



U.S. Department of Justice

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For Immediate Release

May 21, 2009

**WOMAN CHARGED WITH FILING MULTIPLE
FRAUDULENT LAWSUITS AGAINST DIET DRUG FEN-PHEN**

PHILADELPHIA – United States Attorney Laurie Magid today announced the unsealing of an indictment¹ charging Dee Lynn Andrews with mail fraud and wire fraud in connection with a scheme to submit fraudulent Fen-Phen claims. Andrews was charged in connection with her submission of multiple claims to the American Home Product Settlement Trust in Philadelphia, and her alleged filing of three law suits in Pennsylvania and New Jersey state courts in an effort to recover for Fen-Phen related injuries after she had already recovered \$200,000 in a settlement of all of her Fen-Phen claims.

As set forth in the indictment, Pondimin (also known as fenfluramine), and Redux (also known as dexfenfluramine), were prescription diet drugs that were distributed through doctors and weight loss clinics. When Pondimin and/or Redux were taken in combination with Phentermine, it was popularly referred to as Fen-Phen. On September 15, 1997, American Home Products Corporation, later known as Wyeth (collectively “Wyeth”), withdrew the diet drugs Pondimin and Redux (the “Diet Drugs”) from the market. Prior to 1997, and continuing to the present, individuals who had ingested Pondimin and/or Redux, alone, or in combination with Phentermine, filed individual lawsuits and class actions in federal and state courts against Wyeth and others, alleging that the use of the Diet Drugs had, or may have, adversely affected their health.

According to the indictment, on or about August 28, 2000, the United States District Court for the Eastern District of Pennsylvania approved a nationwide class action settlement agreement (“Settlement Agreement”) and related documents, seeking certification of a proposed settlement class. Pursuant to the Settlement Agreement, on or about September 1, 2000, the AHP Settlement Trust (“Trust”) was established by order of the District Court. The Trust is a special purpose entity established to administer the provisions of the Settlement Agreement. The Trust administers and processes the claims of, and makes payments of benefits to, members of the settlement class who registered pursuant to the terms of the Settlement Agreement and filed claims with the Trust in

¹ An indictment is an accusation. A defendant is presumed innocent unless and until proven guilty.

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connection with their use of Pondimin and Redux. These benefits, and associated administrative costs, are paid by the Trust with funds supplied by Wyeth. To be eligible for any benefits under the Settlement Agreement, an individual must (a) have ingested the Diet Drugs, alone or in combination with any other substance, and (b) have "registered" with the Trust. Registration with the Trust was accomplished by filing a "Blue Form" or a "Pink Form" with the Trust. An alternate route by which a claimant could receive substantial benefits as a consequence of having ingested the Diet Drugs would be to file an "Orange Form" with the Trust. A claimant who filed an Orange Form preserved his or her right to file a lawsuit against Wyeth for Diet Drug related injuries.

It is charged that on January 19, 2001, defendant Dee Lynn Andrews entered into a settlement agreement with Wyeth. Under that agreement, Wyeth allegedly paid defendant Andrews about \$200,000. In return, defendant Andrews allegedly signed a release in which she promised, among other things, not to sue Wyeth for any claim arising out of Andrews' purchase, use, or ingestion of the Diet Drugs Pondimin and Redux. Notwithstanding the waiver and promise not to sue that she made as part of her January 19, 2001 settlement agreement with Wyeth, defendant Dee Lynn Andrews allegedly retained multiple lawyers, failed to disclose to each lawyer the existence of the other lawyers, and then represented to each of those lawyers that she had purchased Fen-Phen, had ingested Fen-Phen, and had not previously filed or settled a lawsuit relating to Fen-Phen. The indictment charges that defendant Dee Lynn Andrews filed multiple forms with the Trust, or caused her lawyers to file multiple forms with the Trust, in order to register Andrews for benefits to which she was not entitled. Defendant Dee Lynn Andrews also allegedly filed multiple lawsuits under different names against Wyeth and others seeking compensation for damages arising from her alleged ingestion of Fen-Phen.

INFORMATION REGARDING THE DEFENDANT(S)

NAME	ADDRESS	AGE
Dee Lynn Andrews	Anthem, AZ	57 years old

If convicted the defendant faces a sentencing guideline range of 46-57 months imprisonment, and a maximum of five years of supervised release, and a \$250,000 fine and \$100 special assessment per count.

The case was investigated by the Federal Bureau of Investigation and the U.S. Postal Inspection Service, and has been assigned to Assistant United States Attorney Paul G. Shapiro.

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